

TFW 3700



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) Attn: S.P.E. Henry Bennett
)
) Examiner: Shumaya B. Ali
)
) Group Art Unit: 3700
)
Serial No.: 09/596,806) File No.: 540P
)
Filed: June 19, 2000)
)
For: SURGICAL CLIP APPLIER) Tiburon, California
)

Commissioner for Patents
Attention: Henry Bennett, S.P.E.
P.O. Box 1450
Alexandria, Virginia 22313

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE, ON THE DATE INDICATED
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DATE OF DEPOSIT OCTOBER 4, 2006
THOMAS M. FREIBURGER, REG. NO. 27,063
SIGNED [Signature]
DATE 10-4-06

REQUEST FOR ACTION FOLLOWING SUCCESSFUL APPEAL

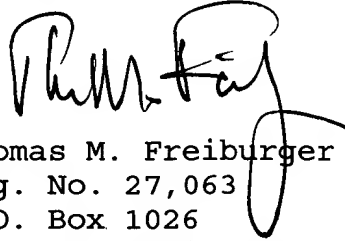
The applicant requests an immediate notice of allowance in
this application.

Delays and costs to the client caused by the original
examiner in this application, Ms. Odland, have been extensive and
unconscionable. The applicant should not have had to appeal in
this case; the original examiner was clearly mistaken in her
rejection with its faulty logic and misreading of prior art.

Now, as expected, the applicant has prevailed on all issues
on appeal, as summarized in the Board of Appeals decision mailed

June 27, 2006, and still the notice of allowance has not been received, over three months later. The attorney submits that the notice of allowance is overdue and requests its issuance as quickly as possible.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas M. Freiburger", with a large, stylized flourish extending from the bottom right.

Date: October 4, 2006

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